

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF VERMONT**

MISTY BLANCHETTE PORTER, M.D.,

Plaintiff,

vs.

DARTMOUTH-HITCHCOCK MEDICAL  
CENTER, DARTMOUTH-HITCHCOCK  
CLINIC, MARY HITCHCOCK  
MEMORIAL HOSPITAL, and  
DARTMOUTH-HITCHCOCK HEALTH,

Defendants.

Case No. 5:17-cv-194

**AFFIDAVIT OF DR. EDWARD MERRENS IN SUPPORT OF  
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT ON ALL CLAIMS**

Dr. Edward Merrens, under penalty of perjury, states and declares as follows:

1. I am currently employed by Dartmouth-Hitchcock Medical Center ("DHMC") as its Chief Clinical Officer. I have held this position since 2016. I have personal knowledge of the matters set forth in this Affidavit and I could and would competently testify to those matters if called upon as a witness.

2. In April 2017, I made the decision to close the Reproductive Endocrinology and Infertility Division (the "REI Division") of DHMC's Department of Obstetrics and Gynecology which resulted in the termination of all three REI physicians working in the REI Division.

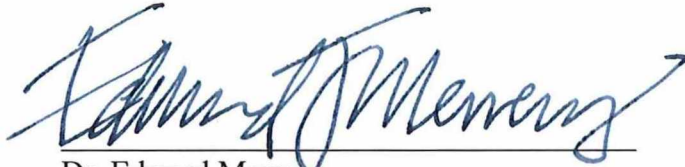
3. The decision was announced internally within DHMC in early May 2017.

4. I was not aware of whether Dr. Misty Blanchette Porter had raised any complaints or concerns regarding DHMC or its then-current employees, including specifically within the REI Division.

5. In addition, the terms and conditions of Dr. Porter's employment had nothing to do with my decision to close the REI Division.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 28 day of January, 2020.

A handwritten signature in blue ink, appearing to read "Edward Merrens", is written over a horizontal line.

Dr. Edward Merrens

**CERTIFICATE OF SERVICE**

I hereby certify that, on January 29, 2020, a copy of the foregoing document was electronically filed through the ECF system and will be sent electronically to all persons identified on the Notice of Electronic Filing.

/s/ Tristram J. Coffin  
Tristram J. Coffin